

**REMARKS**

In the August 26, 2009 Office Action, the specification was objected to and claims 1-4 stand rejected in view of prior art. Claims 1, 3 and 4 also were rejected as being indefinite for failing particularly point out and distinctly claim the subject matter that Applicant regards as the invention. No other objections or rejections were made in the Office Action.

***Status of Claims and Amendments***

In response to the August 26, 2009 Office Action, Applicant has amended the title, specification, and claims 1, 3 and 4 as indicated above. Applicant also has added new claims 5-16 by the current Amendment. Thus, claims 1-16 are now pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

***Information Disclosure Statement***

Applicant filed an Information Disclosure Statement on October 2, 2008. An initialed copy of this Information Disclosure Statement was not attached to the August 26, 2009 Office Action. Accordingly consideration of the references cited in the October 2, 2008 Information Disclosure Statement is respectfully requested. Also, it is respectfully requested that an initial copy of PTO for 1449 of the October 2, 2008 Information Disclosure Statement be attached to the next communication from the U. S. Patent and Trademark Office.

***Priority***

In paragraph 1 of the Office Action, receipt of priority papers is acknowledged. Applicant thanks the Examiner for this acknowledgement.

***Specification***

In paragraph 2 of the Office Action, the title was objected to as not being descriptive. In response, Applicant has amended the title to read **STATOR OF MOTOR HAVING AN INSULATOR WITH LEAD OUT GUIDE PORTIONS**. Applicant believes the title is now

sufficiently descriptive. Accordingly, withdrawal of the objection to the title is respectfully requested.

Also, in paragraph 3 of the Office Action, the Office Action requests Applicant's cooperation in correcting any errors of which Applicant may become aware in the specification. In response, Applicant reviewed the specification and corrected an error noted in paragraph [0012]. Applicant is not aware of any additional errors. However, Applicant will correct any additional errors of which Applicant becomes aware in the future.

***Claim Rejections - 35 U.S.C. §112***

In paragraphs 4 and 5 of the Office Action, claims 1, 3 and 4 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicant has amended claims 1, 3 and 4 to overcome the indefiniteness rejections thereto.

Specifically, with respect to independent claim 1, Applicant has amended this claim to remove the allegedly indefinite language "in a state of being close to", and to clarify that "the lead-out guide portions being disposed on a radially outward side of respective slots, each respective slot being defined between two adjacent teeth of the stator core, and each lead-out guide portion being offset toward an adjacent tooth from a center line of the respective slot." Applicant believes that independent claim 1 now complies with 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejection of independent claim 1 in this section of the Office Action is respectfully requested.

With respect to claims 3 and 4, Applicant has deleted the allegedly indefinite language "in a vicinity of", and clarified that "each of the lead-out guide portions comprises a groove provided adjacent to a periphery of the corresponding one of the tooth winding portions." Applicant believes that claims 3 and 4 now comply with 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the rejection of claims 3 and 4 in this section of the Office Action is respectfully requested.

***Rejections - 35 U.S.C. § 102***

In paragraph 7 of the Office Action, claims 1 and 2 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2003/0102765

(Knoll et al.). In response, Applicants have amended independent claim 1 to more clearly define the present invention over the prior art of record.

In particular, independent claim 1 now recites, *inter alia*, an insulator including a plurality of lead-out guide portions with the lead-out wires being drawn out from the corresponding one of the tooth winding portions of the windings, the lead-out guide portions being disposed on a radially outward side of respective slots, each respective slot being defined between two adjacent teeth of the stator core, and each lead-out guide portion being offset toward an adjacent tooth from a center line of the respective slot. Clearly, this structure is **not** disclosed or suggested by the Knoll et al. publication or any other prior art of record.

Specifically, the so-called lead out guide portions [R, S, T] (see paragraph [0034], lines 1-3) of the Knoll et al. publication are disposed radially inwardly of slots defined between adjacent teeth of the stator core [0016], not *on a radially outward side of such slots*. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that independent claim 1, as now amended, is not anticipated by the Knoll et al. publication. Accordingly, withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that dependent claim 2 is also allowable over the prior art of record in that it depends from independent claim 1, and therefore is allowable for the reasons stated above. Also, dependent claim 2 is further allowable because it includes additional limitations, which in combination with the limitations of independent claim 1, are not disclosed or suggested in the prior art. Accordingly, withdrawal of this rejection of dependent claim 2 is also respectfully requested.

#### ***Rejections - 35 U.S.C. § 103***

In paragraph 9 of the Office Action, claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Knoll et al. publication in view of Japanese Patent Publication No. 2003-219593 (Kitamura). In response, Applicant has amended independent claim 1 as mentioned above.

In particular, as mentioned above, independent claim 1 now recites, *inter alia*, an insulator including a plurality of lead-out guide portions with the lead-out wires being drawn

out from the corresponding one of the tooth winding portions of the windings, the lead-out guide portions being disposed on a radially outward side of respective slots, each respective slot being defined between two adjacent teeth of the stator core, and each lead-out guide portion being offset toward an adjacent tooth from a center line of the respective slot. Clearly this arrangement is *not* disclosed or suggested by the Knoll et al. publication and/or the Kitamura publication, singularly or in combination.

Specifically, as mentioned above, the so-called lead out guide portions [R, S, T] (see paragraph [0034], lines 1-3) of the Knoll et al. publication are disposed radially inwardly of slots defined between adjacent teeth of the stator core [0016], not *on a radially outward side of such slots*. The Kitamura publication fails to account for this deficiency of the Knoll et al. publication. More specifically, the element (crossover storage) 60 of the Kitamura publication, which is alleged to be equivalent to the claimed groove (i.e., of claims 3 and 4) of each lead out wire guide portion is also on the radially inward side of slots defined between adjacent teeth of the stator core, not *on a radially outward side of such slots*. Thus, even if the Kitamura publication was somehow combined with the Knoll et al. publication as asserted in the Office Action, the arrangement now set forth in independent claim 1 would not result. Accordingly, withdrawal of this rejection is respectfully requested.

Under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some “apparent reason to combine the known elements in the fashion claimed.” Id. at 1741. In this case, the current record lacks any apparent reason, suggestion or expectation of success for combining the patents, and then further modifying a device created by such a hypothetical combination in order to create Applicants’ unique arrangement now set forth in independent claim 1.

Applicant believes that dependent claims 3 and 4 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, dependent claims 3 and 4 are further allowable because they

include additional limitations which in combination with the limitations of independent claim 1, are not disclosed or suggested in the prior art. Accordingly, withdrawal of this rejection of dependent claims 3 and 4 is respectfully requested.

***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

***New Claims***

Applicant has added new claims 5-16 by the current Amendment. New claims 5-16 are dependent claims, and thus are believed to be allowable for the reasons discussed above with respect to independent claim 1. New dependent claims 5-16 are further allowable because they include additional limitations which in combination with the limitations of independent claim 1, are not disclosed or suggested in the prior art. For example, new claims 5 and 6 recite that the grooves of the lead out guide portions are circumferentially spaced from each other. In the Kitamura publication, a continuous groove is provided. Also, new claims 7, 9, 13, and 15 recite that the stator core includes a core main body with the teeth extending radially inwardly from the core main body. In the Knoll et al. publication and the Kitamura publication, the teeth appear to extend radially outwardly of the core main body. Also, new claims 8, 10, 14 and 16 recite that the insulator is provided on an axial end surface of the core main body with the grooves formed in an axial end surface of the insulator. In the Knoll et al. publication and the Kitamura publication, insulators do not appear to be provided in such a manner. Finally, new claims 11 and 12 recite that the lead out guide portions are circumferentially spaced from each other. In the Kitamura publication, a continuous groove is provided.

Appl. No. 10/577,067  
Amendment dated December 16, 2009  
Reply to Office Action of August 26, 2009

\* \* \*

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-16 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested. If there are any questions regarding this Amendment, please feel free to contact the undersigned.

Respectfully submitted,

/Patrick A. Hilsmier/  
Patrick A. Hilsmier  
Reg. No. 46,034

GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444  
Dated: December 16, 2009

S:\12-DEC09-YTY\DK-US065040 Amendment (Applicants singular).docx